This letter must be used to advise an employee that they have been formally declared as being excess to requirements.

The letter must only be sent following:

1. A response from the Commissioner for Public Sector Employment to the agency’s written advice that it intends to declare an employee/s excess; and
2. a verbal discussion between the employee and the line Manager or, as relevant, Executive Director or Director they reported to in the relevant **[role, duties or position]** that was abolished, resulting in them becoming excess to requirements.

**[Wording in bold font]** should be deleted once relevant content is included.

State Government logo and Agency branding is to be included.

**[Insert Date]**

**CONFIDENTIAL**

**[Insert Name and Postal Address]**

*Delivered per registered and standard mail; or courier; or hand delivered*

Dear Mr or Ms **[surname]**

**Declaration as Excess Employee**

On **[date]**, written advice was provided to employees in the **[agency name]** regarding the proposed organisational change that could result in employee/s being declared excess to requirements.

Following a consultation process involving affected employees and employee associations, and consideration of feedback received during that process **[and, if applicable, the criteria to fill roles, duties or positions]**, I confirm that the substantive, funded **[role, duties or position]** you formerly occupied no longer exists **[and, where applicable i.e. and you have not been successful in securing an alternative substantive, funded, role, duties or position as part of the organisational change].**

I now formally declare that effective from the date of receipt of this letter, you are excess to the requirements of **[agency name]**.

The **[agency name]** will assist and support you to transfer into a substantive, funded **[role, duties or position]** in the South Australian Public Sector. This will be managed in accordance with the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017.*

In accordance with the Enterprise Agreement:

1. there is a 12 month redeployment period (effective from the date of receipt of this letter);
2. You have the right to give notice at any time that you wish to accept a Voluntary Separation Package (VSP), which will be calculated in accordance with clause 1.8.3 and 1.8.7 and 1.8.8 of Appendix 1 of the enterprise agreement. Any VSP accepted between 0 to 3 months from the date of this letter will be greater than any subsequent monies payable upon your resignation under a VSP.
3. your obligations in the redeployment and retraining processes are set out in clause 1.4.2 of Appendix 1 of the Enterprise Agreement; and
4. your employment may be terminated at the end of the 12 month period if you remain excess to requirements.

If an offer of a VSP is made to you, it is important that you read the Department of Treasury and Finance VSP Guideline. You are encouraged to seek independent financial and taxation advice. Enquiries relating to superannuation should be directed to Super SA ([www.supersa.sa.gov.au](http://www.supersa.sa.gov.au)).

The **[agency name]** will be responsible for continuing to provide you with suitable duties where you do not occupy a substantive, funded **[role, duties or position]**. In the immediate future/short-term you will be **[assigned/allocated]** duties at **[insert location – which could be the employee’s current work location]** and will report to **[insert responsible manager – which could be the current line manager]**.

**[Insert name and title of person responsible for case management in your agency]** and **[name and title of manager to which the employee will report]** will assist and support you, in so far as is possible, to secure you substantive, funded employment in the South Australian Public Sector.

You are encouraged to actively seek alternative substantive, funded work within the South Australian Public Sector. This includes working cooperatively and actively with **[name and title of person responsible for case management in your agency]** and **[name and title of manager to which the employee will report]**.

The **[agency name]** Employee Assistance Program provides free confidential professional counselling services to employees and partners/families (excluding financial advice). The Employee Assistance Program provider **[insert name]** can be contacted on **[insert details]**.

**[Insert name and title of person responsible for case management in your agency]** will contact you in the near future. If you have any questions in the interim please contact **[Insert name of senior HR practitioner / HR leader / or agency executive].**

Yours sincerely,

**Chief Executive, Agency Head or Delegate**

**Signature Block**

Enclosures:

Appendix 1 of the *South Australian Modern Public Sector Enterprise Agreement: Salaried 2017*

Determination and Guideline 7 of the Commissioner for Public Sector Employment Changes to Workforce Composition and Management of Excess Employees Redeployment, Retraining and Redundancy

I confirm receipt of written advice that I have been declared excess.

|  |  |
| --- | --- |
| **Employee Name:** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Employee Signature:** | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |
| **Date:** | Click here to enter a date. |

The confirmation of receipt needs to be returned to [**insert name of agency person and email or postal information**]